IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMEMT NO.287 OF 2006

IN

SUMMARY SUIT NO.3099 OF 2000

Bank of India. ...Plaintiff.

vs.

1. M/s.Bhavi Engineering Co.Pvt.Ltd. & others. ...Defendants.

Mr.A.B.Shinde, for Plaintiff.

None for Defendants.

CORAM: D.K.DESHMUKH, J.

DATED: 19th September,2006.

P.C.:-

1. Heard the learned Counsel appearing for Plaintiff. The defendants have been served but they have not filed any reply. But still the defendants are entitled to leave to defend the suit because the plaintiff has filed the suit in the year 2000. The summons for judgment has been taken out in the month of July,2006. There is no explanation given as to why the summons for judgment has not been taken out

immediately after the suit was filed. It was stated before me that the defendants were served in the year 2003. Still the summons for judgment has not been taken out immediately thereafter.

2. In these circumstances therefore, in my opinion, the defendants are entitled to leave to defend the suit. The summons for judgment is disposed of. The defendants are granted unconditional leave to defend the suit. Written statement to be filed within a period of Eight weeks from today.